

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Tribal Welfare Department - Establishment - Assigning notional seniority to Sri P.Hari Kishan, Assistant Tribal Welfare Officer, Devarakonda, w.e.f.29.10.2005 on par with his immediate junior i.e., Sri M.Yerraiah in the cadre of Assistant Tribal Welfare Officer in relaxation of Rule 33 (a) of APSSS Rules 1996 - Orders - Issued.

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TRIBAL WELFARE (SER.I) DEPARTMENT

G.O.Rt.No.104

Date 18.02.2014
Read the following:-

1. From the Commissioner of Tribal Welfare, Hyderabad
Lr.Rc.No.A1/11172/2012, Dated 25.07.2013.
2. Orders of the Hon`ble APAT in O.A.No.3829/2010 and
7623/2010, dated 26.09.2012.
3. Orders of the Hon,ble APAT in O.A. No. 6552/2013, Dt. 03.09.2013

ORDER:

The Commissioner of Tribal Welfare, A.P.Hyderabad in the letter 1st read above has informed that the Anti Corruption Bureau authorities have conducted surprise check on the hostel Kadthal, Mahaboobnagar District and observed certain irregularities and reported that Sri P.Harikishan, Grade-I Hostel Welfare Officer, Kadthal, Mahaboobnagar district is responsible for the same and recommended for departmental action against him. Accordingly the District Collector, Mahaboobnagar has initiated departmental action as per the procedure and awarded a punishment of stoppage of one annual grade increment without cumulative effect for his lapses and the period of punishment is over.

2. The Government vide G.O.Ms.No.4, Social Welfare (TW.Ser.II.2) Department dated 27.02.2006 have enhanced the said punishment to that of reduction of pay by three stages in that current year permanently.

3. Sri P.Harikishan, Grade-1 Hostel Welfare Officer, Kadthal, Mahaboobnagar District approached the Hon`ble Andhra Pradesh Administrative Tribunal In O.A. No. 1352/06 dated 08.03.2006 to suspend the G.O. Ms.No.4, Social Welfare (TW.Ser.II.2) Department dated 27.02.2006 and the Hon`ble Andhra Pradesh Administrative Tribunal in its interim orders dated 08.03.2006 suspended the G.O.Ms.No.4 dt 27.02.2006.

4. In the meanwhile, the Commissioner of Tribal Welfare, Hyderabad conducted DPC for the post of Assistant Tribal Welfare Officer on 29.10.2005 in which the Zone-VI did not find place as there were no eligible candidates as on that date. Though Sri P.Harikishan was eligible his candidature had not been considered as he was undergoing punishment as on that date.

5. As per the interim directions of the Hon`ble APAT, in O.A.No.7187/2005 dated 9-11-2005, Sri P.Harikishan, Grade-I Hostel Welfare Officer, Kadthal who is eligible and senior in Zone-VI was promoted as Assistant Tribal Welfare Officer on 15-7-2006.

6. Sri P.Harikishan, Assistant Tribal Welfare Officer has represented on 15.12.2012 that consequent on his notional promotion as Assistant Tribal Welfare Officer w.e.f.29.10.2005, his name has to be figured at an appropriate place, above the name of Sri M.Yerraiah who was promoted as Assistant Tribal Welfare Officer on a later date i.e. 05.11.2005 and requested to promote him as District Tribal Welfare Officer under the ST quota in place of Sri M. Yerraiah, who was promoted as District Tribal Welfare Officer in the panel year 2010-11.

(P.T.O.)

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7. Subsequently, Sri P.Harikishan, Assistant Tribal Welfare Officer has filed O.A. No.3829 of 2010 and 7623 of 2010 before the Andhra Pradesh Administrative Tribunal with a request to direct the respondents to promote him as Assistant Tribal Welfare Officer from the date of his eligibility i.e., 01-11-2004 or at least from the date of DPC held in other zones on 29-10-2005.

8. The Hon'ble Andhra Pradesh Administrative Tribunal in the said O.A.s has made the following final orders on 26.09.2012 :-

“to consider the case of the applicant for giving notional promotion from 29.10.2005 i.e. the date on which the DPC was convened the applicant is eligible, qualified and comes within the zone of consideration and if there are no further charges pending against the applicant except the one which was set-a side by the Tribunal in O.A.No.1352/2006, as on that date and pass appropriate orders within a period of four weeks from the date of receipt of a copy of the order.”

9. In view of the above, the Commissioner of Tribal Welfare, A.P.Hyderabad has requested the Government to accord permission to revise the seniority of Sri.P.Hari Kishan, Assistant Tribal Welfare Officer and as well as to give notional promotion in the cadre of District Tribal Welfare Officer as he is qualified and come within the zone of consideration and there are no other charges pending against him except the one which was set aside by the Andhra Pradesh Administrative Tribunal in O.A.No.1352/2006.

10. Government after careful examination in the matter and in pursuance of the above orders of the Hon'ble Andhra Pradesh Administrative Tribunal hereby order to assign notional seniority to Sri P.Hari Kishan, Assistant Tribal Welfare Officer, Devarakonda, w.e.f.29.10.2005 on par with his immediate junior i.e., Sri M.Yerraiah in the cadre of Assistant Tribal Welfare Officer in relaxation of Rule 33 (a) of APSSS Rules 1996.

11. The Commissioner of Tribal Welfare, Hyderabad is requested to take further necessary action accordingly and strictly adhering to the procedure for notional promotion in respect of Sri P.Hari Kishan, Assistant Tribal Welfare Officer, Devarakonda to the cadre of District Tribal Welfare Officer as per APSSS Rules, 1996.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr.A.VIDYA SAGAR
PRINCIPAL SECRETARY TO GOVERNMENT (TW)**

To
The individual
through Commissioner of Tribal Welfare, Hyderabad
The Commissioner of Tribal Welfare, Hyderabad
The District Treasury Officer, Nalgonda
The District Collector, Nalgonda.
The District Tribal Welfare Officer, Nalgonda.
The Assistant Registrar, APAT, Hyderabad
The GP for Social Welfare (S), APAT, Hyderabad
Copy to:
The OSD to M(TW)
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER